

DUPFILER, DISMISSED, APPEAL

United States Bankruptcy Court  
 District of Rhode Island  
 Bankruptcy Petition #: 1:04-bk-12083  
 Internal Use Only

05 119 MC

Assigned to: Judge Arthur N. Votolato  
 Chapter 13  
 Voluntary  
 Asset

Date Filed: 06/24/2004  
 Date Dismissed: 02/10/2005

**Kevin Sweet, (NEEDS COURT PERMISSION  
 TO FILE)**  
 179 Sandy Brook Road  
 Harmony, RI 02829  
 SSN: [REDACTED]  
**Debtor**  
**dba**  
**Kesco**

represented by **Edward G. Lawson, Jr.**  
 260 Lonsdale Avenue  
 Pawtucket, RI 02860  
 (401) 725-1810  
 Email: lawsonlaw@cox.net

**Diane D. Sweet(Needs Court Permission to File)**  
 179 Sandy Brook Road  
 Harmony, RI 02829  
 SSN: [REDACTED]  
**Debtor**  
**aka**

represented by **Edward G. Lawson, Jr.**  
 (See above for address)

**Diane D. Loranger(Needs Court Permission to  
 File)**

**John Boyajian**  
 Boyajian Harrington & Richardson  
 182 Waterman Street  
 Providence, RI 02906  
 (401) 273-9600  
**Trustee**

**Leonard DePasquale**  
 US Trustee's Office  
 Room 910  
 10 Dorrance Street  
 Providence, RI 02903  
 (401) 528-5551  
**U.S. Trustee**

*Assista  
 True Copy  
 Susan M. Thompson  
 Clerk  
 Carolyn A. Sweeney  
 Deputy Clerk*

Filing Date	#	Docket Text
06/24/2004	•1	Chapter 13 Voluntary Petition, Schedules A-J & Statement of Financial Affairs Fee Amount \$ 194 filed by Edward G. Lawson Jr. on behalf of Kevin Sweet , Diane D. Sweet . Declaration re: Electronic Filing, Form P.3 Due By: 7/9/2004. Government

		Proof of Claim due by 12/21/2004. (Lawson, Edward) (Entered: 06/24/2004)
06/24/2004	• <u>2</u>	Chapter 13 Plan Filed by on behalf of Kevin Sweet , Diane D. Sweet . (Lawson, Edward) (Entered: 06/24/2004)
06/24/2004	3	Receipt of filing fee for Voluntary Petition Chapter 13 - Case Upload(1:04-bk-12083) [caseupld,1305u] ( 194.00). Receipt number 0103B186781, amount \$ 194.00. (U.S. Treasury) (Entered: 06/24/2004)
06/24/2004	• <u>4</u>	Chapter 13 Agreement -Form V Filed by Joint Debtor Diane D. Sweet, Debtor Kevin Sweet (related document(s) <u>1</u> Voluntary Petition Chapter 13 - Case Upload, filed by Debtor Kevin Sweet, Joint Debtor Diane D. Sweet). (Lawson, Edward) (Entered: 06/24/2004)
06/25/2004	• <u>5</u>	First Meeting of Creditors & Notice of Appointment of Interim Trustee John Boyajian to be held on 07/23/2004 at 09:30 AM at United States Trustee's Office. Proof of Claim due by 10/21/2004. Confirmation Hearing to be Held on 08/05/2004 at 09:30 AM at 6th Floor Courtroom (Entered: 06/25/2004)
06/25/2004	•	Duplicate Filer FOR DIANE D. SWEET. Information regarding previous filings: Case No.: 04-10582, 02-11462 and 01-11455. Filing Date (of 2004 case): 2/27/04, ALL previous cases were Chapter: 13; Discharge Date: N/A, Closing Date (of 2004 case): 4/28/04, Disposition of ALL previous cases: DISMISSED. (Spaight, Linda) (Entered: 06/25/2004)
06/25/2004	•	Duplicate Filer. Information regarding previous filings: Case No.: 02-14644, 01-13089, 00-10311, 98-14914, 98-12307, 97-13624, 93-12884. Filing Date (of 2002 case): 12/13/02, ALL Chapter: 13 cases (except 1993 case), Discharge Date: N/A, Closing Date (of 02-14644): OPEN/RE-OPENED, Disposition: ALL CASES ARE DISMISSED. (except the 1993 case) (Spaight, Linda) (Entered: 06/25/2004)
06/25/2004	• <u>6</u>	Notice of Missing Documents and Notice of Dismissal if Documents Are Not Timely Filed. (related document(s) <u>1</u> Voluntary Petition Chapter 13 - Case Upload, filed by Debtor Kevin Sweet, Joint Debtor Diane D. Sweet). To view the specific items listed in the Missing Documents Notice, click on the document number for this entry. Missing Documents: Certificate of Service re: Chapter 13 Plan: Due By: 7/9/2004. (Spaight, Linda) (Entered: 06/25/2004)
06/25/2004		Final QC With Errors. (Joint Debtor's a/k/a was incomplete/last name only. This has been corrected) (Spaight, Linda) (Entered: 06/25/2004)
06/25/2004	• <u>7</u>	Certificate of Service <i>Certification for plan</i> Filed by Joint Debtor Diane D. Sweet, Debtor Kevin Sweet (related document(s) <u>2</u> Chapter 13 Plan- case upload). (Lawson, Edward) (Entered: 06/25/2004)
06/27/2004	• <u>8</u>	BNC Certificate of Mailing - PDF Document. Service Date 06/27/2004. (Related Doc # <u>6</u> ) (Admin.) (Entered: 06/28/2004)
06/27/2004	• <u>9</u>	BNC Certificate of Mailing - PDF Document. Service Date 06/27/2004. (Related

		Doc # <u>5</u> ) (Admin.) (Entered: 06/28/2004)
06/28/2004	● <u>10</u>	Declaration Re: Electronic Filing P3 (related document(s) <u>2</u> Chapter 13 Plan- case upload, <u>4</u> Chapter 13 Agreement -Form V filed by Debtor Kevin Sweet, Joint Debtor Diane D. Sweet, <u>1</u> Voluntary Petition Chapter 13 - Case Upload, filed by Debtor Kevin Sweet, Joint Debtor Diane D. Sweet). (DAgostino, Holly) (Entered: 06/28/2004)
07/12/2004	● <u>11</u>	Objection to Confirmation of Plan Filed by Creditor Greenwood Credit Union (related document(s) <u>2</u> Chapter 13 Plan- case upload). (Attachments: # <u>1</u> Memorandum of Law)(Geremia, Lisa) (Entered: 07/12/2004)
07/12/2004		Satisfy a Deadline (related document(s) <u>6</u> Notice of Missing Documents - Certificate of Service re: 13 Plan). Certificate of service filed (DAgostino, Holly) (Entered: 07/12/2004)
07/23/2004	●	Meeting of Creditors Held in Chapter 13 Case. (Boyajian, John) (Entered: 07/23/2004)
07/26/2004	● <u>12</u>	Objection to Confirmation of Plan Filed by Trustee John Boyajian (related document(s) <u>2</u> Chapter 13 Plan- case upload). (Boyajian, John) (Entered: 07/26/2004)
07/28/2004	● <u>13</u>	Amended Chapter 13 Plan <i>Amended Plan</i> Filed by Joint Debtor Diane D. Sweet, Debtor Kevin Sweet (related document(s) <u>2</u> Chapter 13 Plan). Declaration re: Electronic Filing, Form P.4 Due By: 8/12/2004. Certificate of Service Due by:7/30/2004. (Lawson, Edward) Modified linkage on 7/30/2004 (Venuti, Jody). (Entered: 07/28/2004)
07/28/2004	● <u>14</u>	Certificate of Service <i>Certification</i> Filed by Joint Debtor Diane D. Sweet, Debtor Kevin Sweet (related document(s) <u>13</u> Amended Chapter 13 Plan, filed by Debtor Kevin Sweet, Joint Debtor Diane D. Sweet). (Lawson, Edward) (Entered: 07/28/2004)
07/28/2004	● <u>15</u>	Missing Documents Filed- 2003 Statement, Filed by Joint Debtor Diane D. Sweet, Debtor Kevin Sweet. (Lawson, Edward) (Entered: 07/28/2004)
07/28/2004	● <u>16</u>	Missing Documents Filed- 2004 income statement, Filed by Joint Debtor Diane D. Sweet, Debtor Kevin Sweet. (Lawson, Edward) (Entered: 07/28/2004)
07/28/2004	● <u>17</u>	Missing Documents Filed- 2nd Quart income statement, Filed by Joint Debtor Diane D. Sweet, Debtor Kevin Sweet. (Lawson, Edward) (Entered: 07/28/2004)
07/28/2004	● <u>18</u>	Addendum <i>Statement Regarding Trade Debt</i> Filed by Joint Debtor Diane D. Sweet, Debtor Kevin Sweet (related document(s) <u>1</u> Voluntary Petition Chapter 13 - Case Upload, filed by Debtor Kevin Sweet, Joint Debtor Diane D. Sweet). Certificate of Service Due by:7/30/2004. (Lawson, Edward) (Entered: 07/28/2004)

07/28/2004	•19	Certificate of Service <i>Certification</i> Filed by Joint Debtor Diane D. Sweet, Debtor Kevin Sweet (related document(s) <u>18</u> Addendum, filed by Debtor Kevin Sweet, Joint Debtor Diane D. Sweet). (Lawson, Edward) (Entered: 07/28/2004)
07/28/2004	•20	Stipulation By Debtor and Washington Mutual Bank FA Filed by Creditor Washington Mutual Bank FA (related document(s) <u>1</u> Voluntary Petition Chapter 13 - Case Upload, filed by Debtor Kevin Sweet, Joint Debtor Diane D. Sweet). (Furness, Peter) Modified text and filers on 7/30/2004 (Venuti, Jody). (Entered: 07/28/2004)
07/28/2004	•24	Declaration Re: Electronic Filing P4 (related document(s) <u>20</u> Stipulation, filed by Creditor Washington Mutual Bank FA, Debtor Kevin Sweet, Joint Debtor Diane D. Sweet). (Barbieri, Deborah) (Entered: 07/30/2004)
07/29/2004	•21	Objection to Confirmation of Plan Filed by Creditor Mortgage Electronic Registration Systems Inc. (related document(s) <u>2</u> Chapter 13 Plan- case upload). (Attachments: # <u>1</u> Memorandum of Law). Amended plan filed 7/28/04. (Objection is titled Objection to Chapter 13 Plan, not amended plan)(Cory, Lucinda) (Entered: 07/29/2004)
07/29/2004	•22	Declaration Re: Electronic Filing P4 (related document(s) <u>13</u> Amended Chapter 13 Plan, filed by Debtor Kevin Sweet, Joint Debtor Diane D. Sweet). (Cory, Lucinda) (Entered: 07/29/2004)
07/29/2004	•	Terminate Documents: ECF Error. **All 3 documents need to be filed as an Addendum to Voluntary Petition**. Documents must be resubmitted (related document(s) <u>15</u> Missing Documents (2003 Statement) filed by Debtor Kevin Sweet, Joint Debtor Diane D. Sweet, <u>16</u> Missing Documents (2004 Income Statement) filed by Debtor Kevin Sweet, Joint Debtor Diane D. Sweet and <u>17</u> Missing Documents (2nd Quarter Income Statement) filed by Debtor Kevin Sweet, Joint Debtor Diane D. Sweet). (Davis, Jennifer) (Entered: 07/29/2004)
07/30/2004	•23	Hearing Set (re <u>13</u> Amended Chapter 13 Plan filed by Debtor Kevin Sweet, Joint Debtor Diane D. Sweet. Confirmation hearing to be held on 8/5/2004 at 09:30 AM at 6th Floor Courtroom. (Davis, Jennifer) (Entered: 07/30/2004)
07/30/2004		Clerk's Office Action re: <u>20</u> Stipulation, filed by Creditor Washington Mutual Bank FA, Debtor Kevin Sweet, Joint Debtor Diane D. Sweet. Action Due: 7/30/2004. Please approve the consent order. Thank you. (Calianos, Jonathan) (Entered: 07/30/2004)
07/30/2004	•25	Addendum <i>2003 Statement</i> Filed by Joint Debtor Diane D. Sweet, Debtor Kevin Sweet (related document(s) <u>1</u> Voluntary Petition Chapter 13 - Case Upload, filed by Debtor Kevin Sweet, Joint Debtor Diane D. Sweet). Certificate of Service Due by:8/2/2004. (Lawson, Edward) (Entered: 07/30/2004)
07/30/2004	•26	Addendum <i>2004 Income Statement</i> Filed by Joint Debtor Diane D. Sweet, Debtor Kevin Sweet (related document(s) <u>1</u> Voluntary Petition Chapter 13 - Case Upload, filed by Debtor Kevin Sweet, Joint Debtor Diane D. Sweet). Certificate of Service Due by:8/2/2004. (Lawson, Edward) (Entered: 07/30/2004)

07/30/2004	● <u>27</u>	Addendum 2 <i>nd Quarter 2004 Statement</i> Filed by Joint Debtor Diane D. Sweet, Debtor Kevin Sweet (related document(s) <u>1</u> Voluntary Petition Chapter 13 - Case Upload, filed by Debtor Kevin Sweet, Joint Debtor Diane D. Sweet). Certificate of Service Due by:8/2/2004. (Lawson, Edward) (Entered: 07/30/2004)
07/30/2004	● <u>28</u>	Certificate of Service <i>2003 Statement</i> Filed by Joint Debtor Diane D. Sweet, Debtor Kevin Sweet (related document(s) <u>25</u> Addendum, filed by Debtor Kevin Sweet, Joint Debtor Diane D. Sweet). (Lawson, Edward) (Entered: 07/30/2004)
07/30/2004	● <u>29</u>	Certificate of Service <i>2004 Income Statement</i> Filed by Joint Debtor Diane D. Sweet, Debtor Kevin Sweet (related document(s) <u>26</u> Addendum, filed by Debtor Kevin Sweet, Joint Debtor Diane D. Sweet). (Lawson, Edward) (Entered: 07/30/2004)
07/30/2004	● <u>30</u>	Certificate of Service <i>2nd Quarter Statement</i> Filed by Joint Debtor Diane D. Sweet, Debtor Kevin Sweet (related document(s) <u>27</u> Addendum, filed by Debtor Kevin Sweet, Joint Debtor Diane D. Sweet). (Lawson, Edward) (Entered: 07/30/2004)
08/01/2004	● <u>31</u>	BNC Certificate of Mailing - PDF Document. Service Date 08/01/2004. (Related Doc # <u>23</u> ) (Admin.) (Entered: 08/02/2004)
08/02/2004		Satisfy a Deadline for certificate of service (related document(s) <u>27</u> Addendum, filed by Debtor Kevin Sweet, Joint Debtor Diane D. Sweet, <u>25</u> Addendum, filed by Debtor Kevin Sweet, Joint Debtor Diane D. Sweet). Certificate of service filed. (DAgostino, Holly) (Entered: 08/02/2004)
08/02/2004	● <u>32</u>	Terminate Document - ECF Error. **Incorrect document image **. Document Need Not Be Resubmitted (related document(s) <u>29</u> Certificate of Service to <u>26</u> Addendum filed by Debtor Kevin Sweet, Joint Debtor Diane D. Sweet). (DAgostino, Holly) (Entered: 08/02/2004)
08/02/2004		Satisfy a Deadline for certificate of service due (related document(s) <u>26</u> Addendum, filed by Debtor Kevin Sweet, Joint Debtor Diane D. Sweet). This document needs only to be served on the Chapter 13 trustee, who has received electronic service. (DAgostino, Holly) (Entered: 08/02/2004)
08/02/2004	● <u>33</u>	Amended Chapter 13 Plan <i>2nd Amended Chapter 13 Plan</i> Filed by Joint Debtor Diane D. Sweet, Debtor Kevin Sweet (related document(s) <u>13</u> Amended Chapter 13 Plan Filed by Joint Debtor Diane D. Sweet, Debtor Kevin Sweet). Declaration re: Electronic Filing, Form P.4 Due By: 8/17/2004. Certificate of Service Due by: 8/4/2004. (Lawson, Edward) Modified linkage on 8/4/2004 (McCurdy, Michelle). (Entered: 08/02/2004)
08/02/2004	● <u>34</u>	Certificate of Service <i>2nd Amended Chapter 13 Plan</i> Filed by Joint Debtor Diane D. Sweet, Debtor Kevin Sweet (related document(s) <u>33</u> Amended Chapter 13 Plan, filed by Debtor Kevin Sweet, Joint Debtor Diane D. Sweet). (Lawson, Edward) (Entered: 08/02/2004)
08/03/2004		Satisfy a Deadline for certificate of service due (related document(s) <u>33</u> Amended Chapter 13 Plan, filed by Debtor Kevin Sweet, Joint Debtor Diane D. Sweet). Proof of service filed. (DAgostino, Holly) (Entered: 08/03/2004)

08/03/2004	● <a href="#">35</a>	Consent Order between debtors and MERS/HomeSide Lending, Inc regarding sale of real property, relief from stay and also in reference to In Rem Relief from Stay order entered in BK 02-14644 on 8/26/03. See order for details. (DAgostino, Holly) (Entered: 08/03/2004)
08/03/2004	● <a href="#">36</a>	Judgment Order (re: <a href="#">35</a> Order) (DAgostino, Holly) (Entered: 08/03/2004)
08/04/2004	● <a href="#">37</a>	Objection to Confirmation of Plan Filed by Creditor Greenwood Credit Union (related document(s) <a href="#">33</a> Amended Chapter 13 Plan, filed by Debtor Kevin Sweet, Joint Debtor Diane D. Sweet). (Attachments: # <a href="#">1</a> Memorandum of Law # <a href="#">2</a> Exhibit A# <a href="#">3</a> Exhibit B)(Geremia, Lisa) (Entered: 08/04/2004)
08/04/2004	● <a href="#">38</a>	Declaration Re: Electronic Filing P4 (related document(s) <a href="#">33</a> Amended Chapter 13 Plan, filed by Debtor Kevin Sweet, Joint Debtor Diane D. Sweet). (Cory, Lucinda) (Entered: 08/04/2004)
08/04/2004	● <a href="#">39</a>	BNC Certificate of Mailing - PDF Document. Service Date 08/04/2004. (Related Doc # <a href="#">32</a> ) (Admin.) (Entered: 08/05/2004)
08/05/2004	●	Hearing Held (related document(s) <a href="#">33</a> Amended Chapter 13 Plan, filed by Debtor Kevin Sweet, Joint Debtor Diane D. Sweet, <a href="#">13</a> Amended Chapter 13 Plan, filed by Joint Debtor Diane D. Sweet). APPEARANCES: Lawson, McNichols, Boyajian, Geremia . Lawson had concerns about the notice on the amended plan and requested more time for parties to review. Trustee has concerns re tax issues and debtor does not have all supporting documents to present. Matter recessed for Lawson to call accountant. After second call, Lawson reported the accountant accepted responsibility for delays. Court denied confirmation and gave debtor 20 days for an amended plan. (Cory, Lucinda) (Entered: 08/05/2004)
08/05/2004	● <a href="#">40</a>	Order Denying Confirmation of Chapter 13 Plan Status Deadline re:Amended Plan, Motion to Reconsider Order Denying Plan, Notice of Conversion to Chapter 7 or Appeals Due by: 8/26/2004. Debtor given 20 days to file amended plan. (Cory, Lucinda) (Entered: 08/05/2004)
08/05/2004	● <a href="#">41</a>	BNC Certificate of Mailing - PDF Document. Service Date 08/05/2004. (Related Doc # <a href="#">36</a> ) (Admin.) (Entered: 08/06/2004)
08/05/2004	● <a href="#">42</a>	BNC Certificate of Mailing - PDF Document. Service Date 08/05/2004. (Related Doc # <a href="#">35</a> ) (Admin.) (Entered: 08/06/2004)
08/07/2004	● <a href="#">43</a>	BNC Certificate of Mailing - PDF Document. Service Date 08/07/2004. (Related Doc # <a href="#">40</a> ) (Admin.) (Entered: 08/08/2004)
08/10/2004	● <a href="#">44</a>	Certificate of Service <i>Certification for 2004 Income Statement</i> Filed by Joint Debtor Diane D. Sweet, Debtor Kevin Sweet (related document(s) <a href="#">26</a> Addendum, filed by Joint Debtor Diane D. Sweet). (Lawson, Edward) (Entered: 08/10/2004)
08/27/2004	● <a href="#">45</a>	Order Dismissing Case Failure to file amended plan. (related document(s) <a href="#">40</a> Order Denying Confirmation of Chapter 13 Plan). Appeals/Motion for Reconsideration

		Due by: 9/7/2004. (DAgostino, Holly) (Entered: 08/27/2004)
08/27/2004	•46	Judgment Order (re:45 Order Dismissing Case) (DAgostino, Holly) (Entered: 08/27/2004)
08/29/2004	•47	BNC Certificate of Mailing - PDF Document. Service Date 08/29/2004. (Related Doc # 45) (Admin.) (Entered: 08/30/2004)
08/29/2004	•48	BNC Certificate of Mailing - PDF Document. Service Date 08/29/2004. (Related Doc # 46) (Admin.) (Entered: 08/30/2004)
08/30/2004	•49	Two Part Motion Motion for Reconsideration and/or Motion to Vacate Order Dismissing Case.. Filed by Edward G. Lawson Jr. on behalf of Diane D. Sweet, Kevin Sweet. Objections to Motion Due: 9/13/2004. (Lawson, Edward) (Entered: 08/30/2004)
08/30/2004	50	Document terminated - (related document(s):49 Generic Motion Two Part filed by Debtor Kevin Sweet, Joint Debtor Diane D. Sweet). this motion was terminated at the request of the ECF user/movant. (DAgostino, Holly) (Entered: 08/30/2004)
08/30/2004	•51	Two Part Motion Motion for Reconsideration and/or Motion to Vacate Order Dismissing Case.. Filed by Edward G. Lawson Jr. on behalf of Diane D. Sweet, Kevin Sweet. Objections to Motion Due: 9/13/2004. (Lawson, Edward) (Entered: 08/30/2004)
08/31/2004		Law Clerk Deadline (related document(s):51 Motion to reconsider/vacate order dismissing case filed by Debtor Kevin Sweet, Joint Debtor Diane D. Sweet). Do you want this held for the objection deadline (9/13/04) to see if they do file an amended plan? Also, the dismissal order was entered 22 days after the order denying plan, not 10 days. Law Clerk Action Due:9/1/2004. (DAgostino, Holly) (Entered: 08/31/2004)
08/31/2004		Clerk's Office Action re: 51 Two Part Motion Motion for Reconsideration and/or Motion to Vacate Order Dismissing Case filed by Debtor Kevin Sweet, Joint Debtor Diane D. Sweet. Action Due: 8/31/2004. Please hold for objection deadline to expire. Thank you. (Calianos, Jonathan) (Entered: 08/31/2004)
09/02/2004	•52	Amended Chapter 13 Plan Filed by Joint Debtor Diane D. Sweet, Debtor Kevin Sweet (related document(s):37 Objection to Confirmation of the Plan, filed by Creditor Greenwood Credit Union). Declaration re: Electronic Filing, Form P.4 Due By: 9/17/2004.Certificate of Service Due by:9/7/2004. (Attachments: # 1 Certification for 3rd Amended Plan)(Lawson, Edward) (Entered: 09/02/2004)
09/07/2004		Satisfy a Deadline (related document(s) Clerk's Office Action Due.,, 51 Generic Motion Two Part filed by Debtor Kevin Sweet, Joint Debtor Diane D. Sweet). Per chambers, hold for objection deadline. (DAgostino, Holly) (Entered: 09/07/2004)
09/09/2004		Satisfy a Deadline for certificate of service (filed with plan) (related document(s):52 Amended Chapter 13 Plan, filed by Debtor Kevin Sweet, Joint Debtor Diane D.

		Sweet, and for status check on <u>45</u> Order Dismissing Case). Motion for reconsideration pending. (DAgostino, Holly) (Entered: 09/09/2004)
09/14/2004		Law Clerk Deadline (related document(s) <u>51</u> Motion to Reconsider/Vacate Dismissal Order filed by Debtor Kevin Sweet, Joint Debtor Diane D. Sweet). No objections. FYI: amended plan was filed. Law Clerk Action Due: 9/15/2004. (DAgostino, Holly) (Entered: 09/14/2004)
09/15/2004	● <u>53</u>	Declaration Re: Electronic Filing P4 (related document(s) <u>52</u> Amended Chapter 13 Plan filed by Debtor Kevin Sweet, Joint Debtor Diane D. Sweet). (Cory, Lucinda) (Entered: 09/16/2004)
09/16/2004		Clerk's Office Action re: <u>51</u> Generic Motion Two Part filed by Debtor Kevin Sweet, Joint Debtor Diane D. Sweet. Action Due: 9/16/2004. Please get a Trustee position. Thank you. (Calianos, Jonathan) (Entered: 09/16/2004)
09/17/2004	● <u>54</u>	Judge's Order Requesting Position From Trustee John Boyajian (re: <u>51</u> Motion for Reconsideration and/or Motion to Vacate Order Dismissing Case filed by Debtor Kevin Sweet, Joint Debtor Diane D. Sweet) Due by: 9/27/2004. (DAgostino, Holly) (Entered: 09/17/2004)
09/19/2004	● <u>55</u>	BNC Certificate of Mailing - PDF Document. Service Date 09/19/2004. (Related Doc # <u>54</u> ) (Admin.) (Entered: 09/20/2004)
09/24/2004	● <u>56</u>	Response to Filed by Trustee John Boyajian re <u>51</u> Generic Motion Two Part filed by Debtor Kevin Sweet, Joint Debtor Diane D. Sweet). (Boyajian, John) (Entered: 09/24/2004)
09/27/2004		Law Clerk Deadline (related document(s) <u>51</u> Motion for Reconsideration and/or Motion to Vacate Order Dismissing Case filed by Debtor Kevin Sweet, Joint Debtor Diane D. Sweet, <u>56</u> Response filed by Trustee John Boyajian). Law Clerk Action Due: 9/28/2004. (DAgostino, Holly) (Entered: 09/27/2004)
09/27/2004		Clerk's Office Action re: <u>51</u> Two Part Motion Motion for Reconsideration and/or Motion to Vacate Order Dismissing Case filed by Debtor Kevin Sweet, Joint Debtor Diane D. Sweet, <u>56</u> Response filed by Trustee John Boyajian. Action Due: 9/27/2004. Please set the matter for hearing. Thank you. (Calianos, Jonathan) (Entered: 09/27/2004)
09/27/2004	● <u>57</u>	Response to <i>Debtors' Response to the Written Position of the Chapter 13 Trustee and Debtors' Supplement to Their Original Motion for Reconsideration and Motion to Vacate Order Dismissing Case</i> Filed by Joint Debtor Diane D. Sweet, Debtor Kevin Sweet re <u>56</u> Response filed by Trustee John Boyajian). (Lawson, Edward) (Entered: 09/27/2004)
09/28/2004	● <u>58</u>	Hearing Set (re: <u>51</u> Motion for Reconsideration and/or Motion to Vacate Order Dismissing Case filed by Debtor Kevin Sweet, Joint Debtor Diane D. Sweet, <u>56</u> Response filed by Trustee John Boyajian, <u>57</u> Reply to Trustee's Response filed by Debtor Kevin Sweet, Joint Debtor Diane D. Sweet.). Hearing scheduled for 10/20/2004 at 09:30 AM at 6th Floor Courtroom. (DAgostino, Holly) (Entered:

		09/28/2004)
09/30/2004	• <u>59</u>	BNC Certificate of Mailing - PDF Document. Service Date 09/30/2004. (Admin.) (Entered: 10/01/2004)
10/06/2004	• <u>60</u>	Response to Filed by Trustee John Boyajian re <u>56</u> Response filed by Trustee John Boyajian, <u>51</u> Generic Motion Two Part filed by Debtor Kevin Sweet, Joint Debtor Diane D. Sweet). (Attachments: # <u>1</u> Exhibit) (Boyajian, John) (Entered: 10/06/2004)
10/20/2004	•	Hearing Held (related document(s) <u>51</u> Generic Motion Two Part filed by Debtor Kevin Sweet, Joint Debtor Diane D. Sweet, <u>57</u> Response, filed by Debtor Kevin Sweet, Joint Debtor Diane D. Sweet, <u>56</u> Response filed by Trustee John Boyajian). APPEARANCES: Lawson, Boyajian . After hearing from the parties, the Court granted the motion for reconsideration. A status hearing on the IRS claim will be held on 11/4/04 at 9:30 am. (DAgostino, Holly) (Entered: 10/20/2004)
10/20/2004	• <u>61</u>	Order Granting Motion to Vacate/Reconsider Order Dismissing Case by Debtors Kevin and Diane D. Sweet. (DAgostino, Holly) (Entered: 10/20/2004)
10/20/2004	• <u>62</u>	BNC Service of Document. (related document(s)[ <u>61</u> ] Generic Order Second Part). (DAgostino, Holly) (Entered: 10/20/2004)
10/20/2004	• <u>63</u>	Hearing Set (re <u>1</u> Voluntary Petition Chapter 13 - filed by Joint Debtor Diane D. Sweet). Status hearing regarding claim of IRS to be held on 11/4/2004 at 09:30 AM at 6th Floor Courtroom. (DAgostino, Holly) (Entered: 10/20/2004)
10/20/2004	• <u>64</u>	Hearing Set (re <u>52</u> Amended Chapter 13 Plan, filed by Debtor Kevin Sweet, Joint Debtor Diane D. Sweet). Confirmation hearing to be held on 11/4/2004 at 09:30 AM at 6th Floor Courtroom. (DAgostino, Holly) (Entered: 10/20/2004)
10/22/2004		Satisfy a Deadline for proofs of claims (related document(s) <u>5</u> First Meeting (Chapter 13), First Meeting (Chapter 13)). (DAgostino, Holly) (Entered: 10/22/2004)
10/22/2004	• <u>65</u>	BNC Certificate of Mailing - PDF Document. Service Date 10/22/2004. (Admin.) (Entered: 10/23/2004)
10/22/2004	• <u>66</u>	BNC Certificate of Mailing - PDF Document. Service Date 10/22/2004. (Admin.) (Entered: 10/23/2004)
10/22/2004	• <u>67</u>	BNC Certificate of Mailing - PDF Document. Service Date 10/22/2004. (Admin.) (Entered: 10/23/2004)
11/04/2004	• <u>68</u>	Hearing Held and Continued re <u>52</u> Amended Chapter 13 Plan, filed by Debtor Kevin Sweet, Joint Debtor Diane D. Sweet, Status Hearing re: Claim of IRS <u>1</u> Voluntary Petition Chapter 13 filed by Joint Debtor Diane D. Sweet. Appearances: Lawson, Boyajian, representative of IRS Ms. Gomes. Lawson said 4 years of tax returns were in question. Lawson advised the amended plan had not been filed in a

		timely manner as previously stated. Lawson also clarified information regarding IRS and contact by accountant. Trustee advised the court regarding the tax claims and payments to the trustee. The Court sua sponte will reconsider the order granting the debtor's motion to vacate dismissal. Hearing on <u>52</u> Amended Plan, Status of IRS Claim and the Court's Sua Sponte Reconsideration of [61] Order Granting Motion to Vacate Dismissal continued for 11/10/2004 at 09:30 AM at 6th Floor Courtroom. (DAgostino, Holly) (Entered: 11/04/2004)
11/06/2004	● <u>69</u>	BNC Certificate of Mailing - PDF Document. (RE:related documents(s) <u>68</u> Hearing (Bk) Cont, Hearing (Bk) Cont, Hearing (Bk) Cont, Hearing (Bk) Cont) Service Date 11/06/2004. (Admin.) (Entered: 11/07/2004)
11/10/2004	● <u>70</u>	Hearing Held and Continued re <u>52</u> Amended Chapter 13 Plan, filed by Debtor Kevin Sweet, Joint Debtor Diane D. Sweet, Court's Sua Sponte Reconsideration of [61] Order Vacating Dismissal; Status of Claim of IRS re: <u>1</u> Voluntary Petition Chapter 13 filed by Joint Debtor Diane D. Sweet. Appearances: Lawson, Boyajian, DePasquale. Paul Vaccario, accountant, called by Lawson, cross by Boyajian. Lawson argued in favor of keeping the case a 13. Trustee said can't go forward with proof of claim of IRS. Court continued the matter for 1/5/2005 at 09:30 AM at 6th Floor Courtroom. (DAgostino, Holly) (Entered: 11/10/2004)
11/12/2004	● <u>71</u>	BNC Certificate of Mailing - PDF Document. (RE:related documents(s) <u>70</u> Hearing (Bk) Cont, Hearing (Bk) Cont, Hearing (Bk) Cont) Service Date 11/12/2004. (Admin.) (Entered: 11/13/2004)
12/07/2004	● <u>72</u>	Hearing rescheduled by the Court re <u>52</u> Amended Chapter 13 Plan filed by Debtor Kevin Sweet, Joint Debtor Diane D. Sweet, [61] Order Dismissing Case and <u>1</u> Voluntary Petition -Status re IRS Claim. Hearing scheduled for 1/12/2005 at 09:30 AM at 6th Floor Courtroom. Trustee Court-Excused 1/5/05. (Cory, Lucinda) (Entered: 12/07/2004)
12/09/2004	● <u>73</u>	BNC Certificate of Mailing - PDF Document. (RE:related documents(s) <u>72</u> Hearing (Bk) Cont, Hearing (Bk) Cont) Service Date 12/09/2004. (Admin.) (Entered: 12/10/2004)
12/22/2004		Satisfy a Deadline (related document(s) <u>1</u> Voluntary Petition Chapter 13 - Case Upload, filed by Joint Debtor Diane D. Sweet). Government proof of claim deadline terminated. (Cory, Lucinda) (Entered: 12/22/2004)
01/12/2005	● <u>74</u>	Hearing Held and Continued re <u>52</u> Amended Chapter 13 Plan, filed by Debtor Kevin Sweet, Joint Debtor Diane D. Sweet, Sua Sponte Reconsideration of [61] Order Vacating Dismissal, <u>1</u> Voluntary Petition - Status of IRS Claim. Appearances: Lawson, Boyajian, Iannotti. Trustee said IRS claim has been filed. Plan does not work with that amount. No payments made to trustee since 11/1/04. Kevin Sweet called and examined by Lawson. After recess, Boyajian called <u>1</u> Mary Jo McCarter; cross by Lawson. Trustee and Lawson gave argument on Court's Sua Sponte Motion to Reconsider Dismissal. Court allowed Sweet 1 week to get all documents and resolve the IRS claim. Matter continued to 1/20/05. Trustee offered Exhibit 1 - fax from IRS to Sweet and Vaccario - Exhibit is full. Exhibit withdrawn by trustee. Hearing continued for 1/20/2005 at 09:30 AM at 6th Floor Courtroom.

		(DAgostino, Holly) (Entered: 01/12/2005)
01/14/2005	•75	BNC Certificate of Mailing - PDF Document. (RE:related documents(s) <u>74</u> Hearing (Bk) Cont, Hearing (Bk) Cont, Hearing (Bk) Cont, Hearing (Bk) Cont) Service Date 01/14/2005. (Admin.) (Entered: 01/15/2005)
01/20/2005	•76	Hearing HELD AND CONTINUED: <u>1</u> Voluntary Petition Chapter 13 - Case Upload filed by Joint Debtor Diane D. Sweet, <u>52</u> Amended Chapter 13 Plan filed by Debtor Kevin Sweet, Joint Debtor Diane D. Sweet, [61] Generic Order Two Part. APPEARANCES: Lawson, Iannotti, Boyajian. Statements by Lawson, Iannotti, Boyajian re: case status. Mary Jo McCarten called as a witness. Matter continued to 1/26/2005 at 09:30 AM at 6th Floor Courtroom. (Sweeney, Carolyn) (Entered: 01/20/2005)
01/22/2005	•77	BNC Certificate of Mailing - PDF Document. (RE:related documents(s) <u>76</u> Hearing, ) Service Date 01/22/2005. (Admin.) (Entered: 01/23/2005)
01/26/2005	•	Hearing Held (related document(s) Confirmation of <u>52</u> Amended Chapter 13 Plan filed by Debtor Kevin Sweet, Joint Debtor Diane D. Sweet, [61] Sua Sponte Reconsideration of Order vacating Dismissal, Status of IRS Claim ). APPEARANCES: Lawson, Boyajian, Iannotti. Court heard from Lawon regarding why the IRS claim is not resolved. Boyajian called Eugenie Gomes - she stated that claim of \$58,000 of IRS still stands today. Cross by Lawson, re-direct by Iannotti. Boyajian and Lawson gave arguments. The court re-instated the dismissal acting on it's sua sponte motion. Case dismissed. Boyajian to submit order. Order Due by: 2/7/2005. (Sweeney, Carolyn) (Entered: 01/27/2005)
01/27/2005	•78	Proposed Order Filed by Trustee John Boyajian (related document(s)[61] Generic Order Two Part). Status Check Due by:2/1/2005. (Boyajian, John) (Entered: 01/27/2005)
02/02/2005		Law Clerk Deadline (related document(s) <u>78</u> Proposed Order filed by Trustee John Boyajian). Jon, this order does not address the amended ch. 13 plan (doc <u>52</u> ) or the status of the IRS claim. Is this ok? Law Clerk Action Due:2/1/2005. (Sweeney, Carolyn) (Entered: 02/02/2005)
02/07/2005		Clerk's Office Action re: <u>78</u> Proposed Order filed by Trustee John Boyajian. Action Due: 2/7/2005. Please enter the proposed order. Everything else is moot. Thank you. (Calianos, Jonathan) (Entered: 02/07/2005)
02/10/2005	•79	Order Dismissing Case. This order vacates the previous [61] Order Vacating Dismissal). The Debtors are barred from filing any further bankruptcy petitions with this Court without the prior permission of the Court. Appeals/Motion for Reconsideration Due by: 2/22/2005. (DAgostino, Holly) (Entered: 02/10/2005)
02/10/2005	•80	Judgment Order (re: <u>79</u> Order Dismissing Case, ) (DAgostino, Holly) (Entered: 02/10/2005)
02/12/2005	•81	BNC Certificate of Mailing - PDF Document. (RE:related documents(s) <u>80</u>

		Judgment Order (ap/bk)) Service Date 02/12/2005. (Admin.) (Entered: 02/13/2005)
02/12/2005	•82	BNC Certificate of Mailing - PDF Document. (RE:related documents(s) <a href="#">79</a> Order Dismissing Case, ) Service Date 02/12/2005. (Admin.) (Entered: 02/13/2005)
02/18/2005	•83	Motion for Corrective Order Filed by Debtor Kevin Sweet. Objections to Motion Due: 3/3/2005. (Sweeney, Carolyn) (Entered: 02/22/2005)
02/24/2005		Satisfy a Deadline (related document(s) <a href="#">79</a> Order Dismissing Case). Appeal/Reconsideration deadline terminated. (Sweeney, Carolyn) (Entered: 02/24/2005)
02/24/2005		Status Deadline (related document(s) <a href="#">79</a> Order Dismissing Case). When trustee has filed his final report, close case. Status Check Due by:8/10/2005. (Sweeney, Carolyn) (Entered: 02/24/2005)
03/03/2005	•84	Response to <i>Motion for Corrective Order</i> Filed by Trustee John Boyajian re <a href="#">83</a> Generic Motion filed by Debtor Kevin Sweet). (Boyajian, John) (Entered: 03/03/2005)
03/04/2005		Law Clerk Deadline (related document(s) <a href="#">83</a> Motion for Corrective Order filed by Debtor Kevin Sweet, <a href="#">84</a> Response filed by Trustee John Boyajian). Law Clerk Action Due:3/4/2005. (Sweeney, Carolyn) (Entered: 03/04/2005)
03/07/2005		Clerk's Office Action re: <a href="#">83</a> Generic Motion filed by Debtor Kevin Sweet, <a href="#">84</a> Response filed by Trustee John Boyajian. Action Due: 3/7/2005. Order in draft. Please put the matter U/A. Thank you. (Calianos, Jonathan) (Entered: 03/07/2005)
03/09/2005		Matter Under Advisement Re: <a href="#">83</a> Motion for Corrective Order filed by Debtor Kevin Sweet, <a href="#">84</a> Response filed by Trustee John Boyajian) Status Check re Matter Under Advisement on 5/9/2005. (Sweeney, Carolyn) (Entered: 03/09/2005)
03/09/2005		Satisfy a Deadline (related document(s) Clerk's Office Action Due). Debtor's Motion for Corrective Order (doc <a href="#">83</a> ) and trustee's response (doc <a href="#">84</a> ) put under advisement. (Sweeney, Carolyn) (Entered: 03/09/2005)
03/09/2005	•85	Order Denying Debtors' Motion for Corrective Order (related document(s) <a href="#">83</a> Generic Motion). See Order for details. (Waterman, Leah) (Entered: 03/09/2005)
03/09/2005		Clerk's Office Action re: <a href="#">85</a> Generic Order. Action Due: 3/9/2005. Carolyn: FYI Order has been entered denying #83, with prejudice. (Waterman, Leah) (Entered: 03/09/2005)
03/10/2005	•86	Chapter 13 Trustee Final Report and Account Filed by Trustee John Boyajian. (Boyajian, John) (Entered: 03/10/2005)
03/10/2005		Satisfy a Deadline (related document(s) Clerk's Office Action Due). (Sweeney, Carolyn) (Entered: 03/10/2005)

03/11/2005		Status Deadline (related document(s) <u>86</u> Chapter 13 Trustee's Final Report and Account filed by Trustee John Boyajian). Waiting for 10 day appeal period to run for <u>85</u> Order. When this deadline expires, discharge trustee and close case. Status Check Due by:3/21/2005. (Sweeney, Carolyn) (Entered: 03/11/2005)
03/11/2005		Satisfy a Deadline (related document(s) <u>79</u> Order Dismissing Case). Status check deadline terminated. Final report has been filed - see doc <u>86</u> . (Sweeney, Carolyn) (Entered: 03/11/2005)
03/11/2005	● <u>87</u>	BNC Certificate of Mailing - PDF Document. (RE:related documents(s) <u>85</u> Generic Order) Service Date 03/11/2005. (Admin.) (Entered: 03/12/2005)
03/16/2005	● <u>88</u>	Transcript requested by Debtor Kevin Sweet (related document(s) <u>13</u> Amended Chapter 13 Plan. (Wilkicki, Joseph) (Entered: 03/16/2005)
03/16/2005	● <u>89</u>	Transcript Filed by Debtor Kevin Sweet (related document(s)[61] Generic Order Two Part). (Wilkicki, Joseph) (Entered: 03/16/2005)
03/21/2005	● <u>90</u>	Notice of Appeal. Receipt Number 61856, Fee Amount \$255 Filed by Kevin Sweet (related document(s) <u>85</u> Order Denying Debtor's Motion for Corrective Order). Statement of Issues on Appeal due by: 3/31/2005. Appellant Designation due by: 3/31/2005. (Attachments: # <u>1</u> Receipt)(Sweeney, Carolyn) (Entered: 03/21/2005)
03/21/2005	● <u>91</u>	Appellant District Court Election Filed by Kevin Sweet (related document(s) <u>90</u> Notice of Appeal filed by Debtor Kevin Sweet). (Sweeney, Carolyn) (Entered: 03/21/2005)

IN RE

Kevin E Sweet sa  
Diane D Sweet  
Debtors

BIR NO 04-12083  
ch 13

NOTICE OF APPEAL

Now comes The Debtors in the above listed  
BIR case # 04-12083 and Appeals the decision  
of the order Denying Debtors motion for corrective  
order entered on the 9<sup>th</sup> day of March 2005.

RESPECTFULLY SUBMITTED



Kevin E Sweet

3-12-05

481-934-2929

CERTIFICATION

I certify, that on this day March 9, 2005 I placed  
in regular US Mail a copy of this Appeal to  
the US Trustee 10 Donegan St Newark NJ and John Beydoun  
170 182 Waterman Ave Paul 02806



FILED MAR 21 '05 13:40 USBCRI

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF RHODE ISLAND

In re: :  
 Kevin Sweet :  
 Debtor(s) :  
 :  
 -----\*

Bk No. 04/12083  
ChapterAPPELLANT ELECTION FORM

Appeal of Order or Judgment of U.S. Bankruptcy Court, District of  
Rhode Island dated 3-9-2005, Doc. No. 85.

APPELLANT(S)	APPELLEE(S)
KEVIN E Sweet sr Diane D Sweet Debtors	John Boynton Justice
Attorney (Firm Name, Address, and Telephone No.)  Pro Se	Attorney (If known)  Same as Above

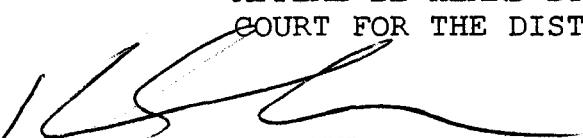


I ELECT TO HAVE THIS APPEAL HEARD BY THE  
BANKRUPTCY APPELLATE PANEL FOR THE FIRST CIRCUIT



I ELECT TO OPT OUT OF THE BANKRUPTCY APPELLATE  
PANEL FOR THE FIRST CIRCUIT AND REQUEST THAT THIS  
APPEAL BE HEARD BY THE UNITED STATES DISTRICT  
COURT FOR THE DISTRICT OF RHODE ISLAND

By:



Dated:

3-21-05

Signature of Attorney (or Appellant, if pro se)

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF RHODE ISLAND

- - - - - x  
In re: :

KEVIN SWEET and DIANE D. SWEET : BK No. 04-12083  
Debtors Chapter 13

ORDER DENYING DEBTORS' MOTION FOR CORRECTIVE ORDER

Before the Court is the motion of Kevin Sweet for a "Corrective Order." Mr. Sweet states in his motion that:

On or about January 30, 2005, the judge ordered "the case be dismissed as it was previously" (Kevin Sweet barred from filing without permission of the Court). The new order is incorrect in that the Trustee has now listed the Debtor's wife as being barred from filing without permission of the Court.

See Document No. 83. The Trustee objects on the ground that while Kevin Sweet has had six prior filings of his own here,<sup>1</sup> that this is also Mrs. Sweet's fourth Chapter 13 filing with this Court,<sup>2</sup> and that the bar clearly applies to her, as well.

The Trustee is correct and his objection is sustained. All of Kevin Sweet's prior Chapter 13 filings were dismissed because of his repeated failure to perform as promised, *see Order Dismissing Case*, BK No. 02-14644, Document No. 117, August 28,

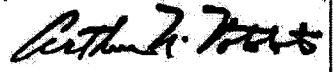
---

<sup>1</sup> There were seven prior filings by Mr. Sweet if we count BK No. 93-12884 which resulted in a Chapter 7 discharge.

<sup>2</sup> Diane Sweet, who has also filed under the name Diane Loranger, has filed the following cases: 01-11455, 02-11462, 04-10582, all of which were dismissed for her failure to comply with debtor's duties under the Code. Each case is filled with Orders to Show Cause and Notices of Intent to Dismiss, and none came close to confirmation.

2003, and he is clearly the architect of his wife's four failed cases. Notwithstanding their ten prior combined Chapter 13 filings, in which this Court is complicit by its overindulgence, the Sweets have never achieved confirmation of a viable Chapter 13 Plan. In the instant case, Mr. and Mrs. Sweet, as usual, were given more than ample opportunity to perform, but each time the Court set a deadline or extended deadlines for their benefit, they defaulted on their representations which, at this point, and with the benefit of hindsight, all proved to be false. The Sweets' serial filings constitute an intentional abuse of the bankruptcy process, and an embarrassment to this Court for permitting it to happen. For these reasons, and others too numerous to recite here, the Order entered on February 10, 2005, clearly bars any future filings without first obtaining the Court's permission, as to both Kevin Sweet and Diane Loranger Sweet. That was and is the Court's intention, which, in the circumstances, needed no clarification or correction. Kevin Sweet's Motion for a corrective order is frivolous, and it is DENIED, with prejudice.

Dated at Providence, Rhode Island, this 9<sup>th</sup> day of March, 2005.



---

Arthur N. Votolato  
U.S. Bankruptcy Judge

Entered on docket: 3/9/2005